



Image

01-09-04

1761

EXPRESS MAIL NO. EV322529212US

Attorney Docket No. HAU237

Client/Matter No. 81250.0109.000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David Bailey, et al.

Serial No. 10/025,479

Filed: December 19, 2001

For: METHODS OF PREPARING  
IMPROVED WATER-SOLUBLE  
EXTRACTS CONTAINING  
ANTIOXIDANTS AND USES  
THEREOF

Group Art Unit: 1761

Examiner: Leslie Wong

CERTIFICATE OF MAILING BY EXPRESS MAIL

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned hereby certifies that the following documents:

1. Response to Restriction Requirement;
2. Return postcard; and
3. Certificate of Mailing By Express Mail

relating to the above application, were deposited as "Express Mail," Mailing Label No., EV322529212US with the U.S. Postal Service, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Jan 8, 2004  
Date

Sarah L. O'Rourke  
Mailer

Jan 8, 2004  
Date

Sarah L. O'Rourke  
Sarah O'Rourke, Reg. No. 41,226  
HOGAN & HARTSON<sub>LLP</sub>  
1200 17th Street, Suite 1500  
Denver, Colorado 80202  
(720) 406-5385 Tel  
(720) 406-5301 Fax



Express Mail No.  
Attorney Docket No. HAU237  
Client/Matter No. 81250.0109.000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: David Bailey, et al.

Serial No.: 10/025,479

Filed: December 19, 2001

For: METHODS OF PREPARING IMPROVED WATER-  
SOLUBLE EXTRACTS CONTAINING ANTIOXIDANTS  
AND USES THEREOF

Group Art Unit: 1761

Examiner: Leslie Wong

**RESPONSE TO RESTRICTION REQUIREMENT**

To: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In an Office Action dated December 9, 2003, the Examiner stated that the application contains claims directed to the following patentably distinct species: (1) *Acinox*, *Calamintha*, *Clinopodium*, *Glechoma*, *Hyssopus*, *Lavandula*, *Lycopus*, *Melissa*, *Mentha*, *Nepeta*, *Origanum*, *Prunella*, *Rosmarinus*, *Salvia*, *Satureja*, and *Thymus* for the plant biomass, and (2) coffee, salsa, and red wine for the food/beverage product. The Examiner required an election of a single disclosed species for both the plant biomass and the food/beverage product for prosecution on the merits. Currently, claims 1-3, 8-13, 15, 18-23, 26 and 28 are generic.

An election is made without traverse to prosecute the species *Rosmarinus* for the plant biomass and the species coffee for the food/beverage product for prosecution on the merits. Claims 1-3, and 6-29 read on the elected species.

Respectfully submitted,

Jan 8, 2004  
Dated

Sarah O'Rourke  
Sarah O'Rourke, Reg. No. 41,226  
HOGAN & HARTSON, L.L.P.  
1200 Seventeenth Street, Suite 1500  
Denver, CO 80202  
Telephone: (720) 406-5385  
Facsimile: (720) 406-5301